

ZB# 94-10

Steve & Jane Albano

6-4-5

Prelim.
May 9, 1994.

Need copy of:

- ① deed of
- ② Title Report
- ③ Fees: ① 500.00 paid

Ordered list - 7/20/94

Adj. Prelim. to

get new ~~NO~~ here

5/19/94. Aps. furnished to Applicant
~~Notice of Sectional 3/19/94~~

2nd Prelim. June 13, 1994.

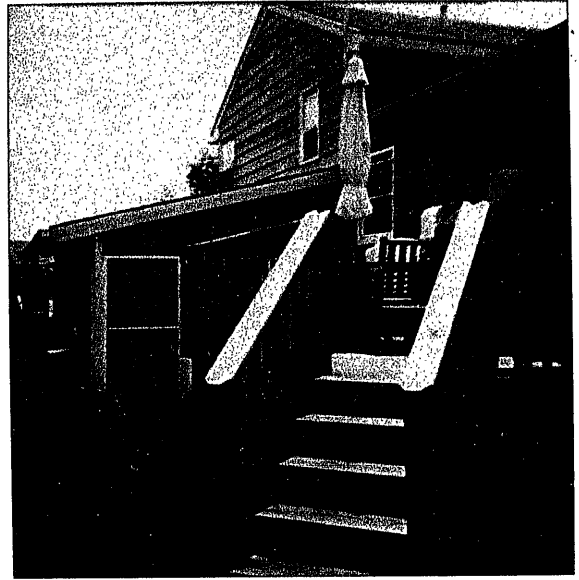
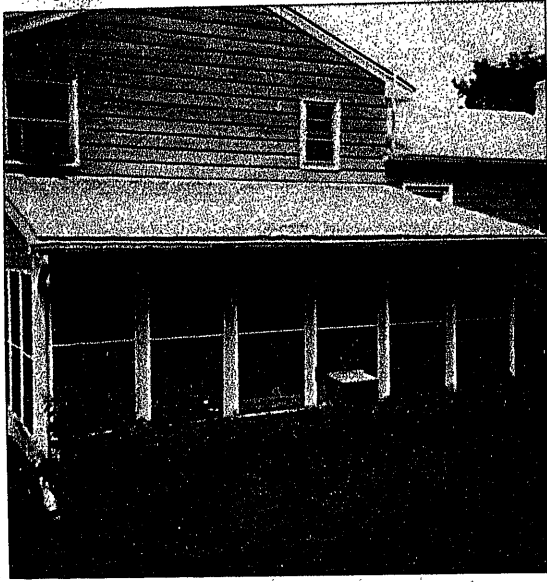
Motion to Sched. P.H.
Letters out by Sept 2nd.

Public Hearing

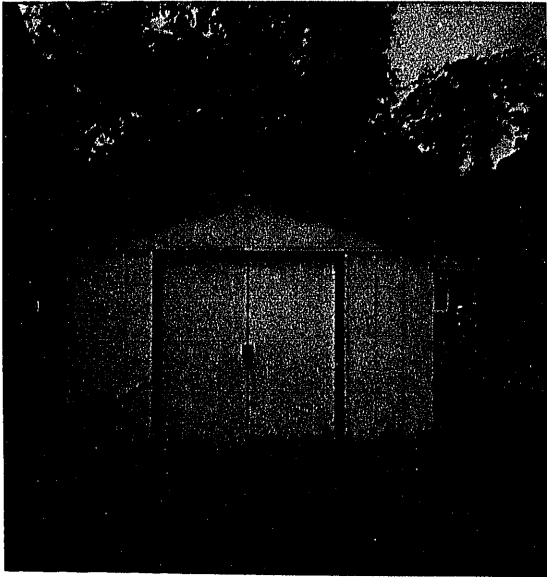
Sept. 12, 1994.

Area Varance

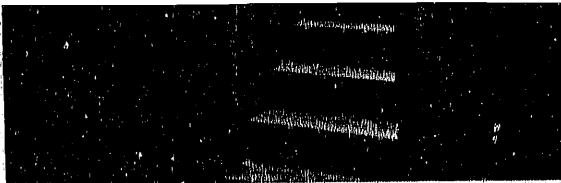
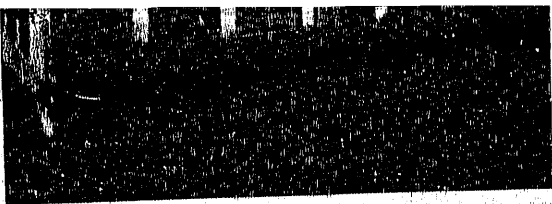
Granted



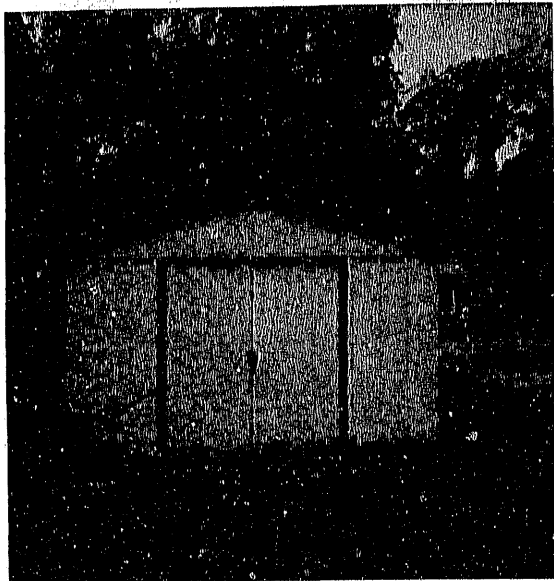
#94-10.



DANEAL & LINDA PERDUE



#94-10.



C0#210 - Frank, Dawn, Linda, Paula

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14216

Aug. 11 19 94

Received of Steven & Jane Albano \$ 50.00

fifty 00/100 DOLLARS

For Zoning Fee #94-10

DISTRIBUTION:

FUND	CODE	AMOUNT
ck# 318		\$ 50.00

By Dorothy H. Hansen
sh

Town Clerk

Title

-----X
In the Matter of the Application of

STEVEN AND JANE ALBANO,
#94-10.

DECISION GRANTING
AREA VARIANCES

-----X
WHEREAS, STEVE ALBANO and JANE ALBANO, residing at 8 Mitchell Lane, New Windsor, N. Y. 12553, have made application before the Zoning Board of Appeals for an 8 ft. side yard variance for an existing shed and a 10 ft. rear yard variance for an existing deck located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of September, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicants, STEVEN ALBANO and JANE ALBANO appeared; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, there were no spectators to speak and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is in a residential neighborhood of one-family homes and is itself a one-family home.

(b) The variances are requested for the existing shed and deck.

(c) Most homes in the area have similar or bigger decks and sheds.

(d) A 25% rear yard variance is asked for the deck.

(e) An 80% side yard variance for the shed.

(f) The location of the deck and shed are the best spot on the property to locate same in order to minimize the impact on the neighborhood.

(g) The applicant erected the shed but the deck was already erected on the property when the applicant bought it.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial nevertheless should be granted because it will enhance the value of this property and keep it consistent with those in the neighborhood.

4. There will be no adverse impact to the neighborhood. The conditions exist now and there appear to be no problems or complaints with same.

5. The difficulty with respect to the shed is self-created. With respect to the deck, it is not self-created.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

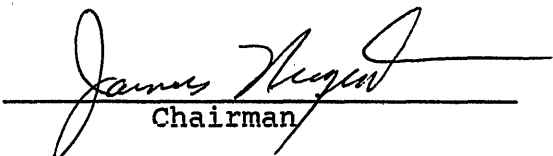
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 8 ft. side yard variance for existing shed and 10 ft. rear yard variance for an existing deck located at the above residence in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 24, 1994.


Chairman

(ZBA DISK#12-100494.SA)

PUBLIC HEARING:

ALBANO, STEVEN/JANE

MR. NUGENT: Request for 8 ft. side yard variance for shed and 10 ft. rear yard variance for deck, both structures existing at 8 Mitchell Lane in an R-4 zone.

Steven and Jane Albano appeared before the board for this public hearing.

MR. TORLEY: Just to make sure we got the numbers right, the stairs are coming off the deck?

MR. BABCOCK: They are not part of it.

MRS. ALBANO: On the letter that you gave me, it says shed insufficient rear yard, it's insufficient side yard.

MR. NUGENT: It says side yard right on your application.

MRS. ALBANO: Not the variance letter, I just figured change the record here so if I ever decide, it's on record.

MS. BARNHART: According to this, it says rear yard for deck and side yard for shed. That is the way it's written.

MRS. ALBANO: On the letter that went out.

MR. NUGENT: Which we have a copy of, don't we?

MS. BARNHART: We should.

MRS. ALBANO: That is not going to do anything.

MS. BARNHART: I'm not going to say anything.

MR. NUGENT: There are no neighbors here.

MR. KANE: Okay, the homes in your area all have decks coming off the back of their houses?

MRS. ALBANO: Most of them are on the side, most of them all have front, side.

MR. KANE: So it fits in with the neighborhood?

MRS. ALBANO: Right.

MR. KRIEGER: Are these decks approximately the same size, not exactly, but are they approximately the same size?

MRS. ALBANO: They are bigger than mine.

MR. KRIEGER: And the neighboring properties?

MRS. ALBANO: Should have mine bigger.

MR. KRIEGER: The neighboring properties around you have sheds?

MR. ALBANO: Everybody has a shed and deck.

MR. KRIEGER: Approximately the same size?

MR. ALBANO: Bigger.

MR. TORLEY: You don't feel this would be an adverse impact on the neighborhood?

MRS. ALBANO: No, better than leaving my lawn mower out on the lawn.

MR. KRIEGER: Regular one-family houses all around you?

MR. ALBANO: Yes.

MR. KANE: We have to meet all this criteria to make our decision. It would be financially hard for you to move your shed?

MR. ALBANO: Most definitely.

MRS. ALBANO: I don't have much of a back yard anyway.

MR. KRIEGER: You think this would be the best location on the property to minimize the impact on the neighborhood?

MR. ALBANO: Yes.

MR. KRIEGER: If I may ask the building inspector what's required for side yard, how much do they need?

MR. BABCOCK: For the shed?

MR. KRIEGER: Yes.

MR. BABCOCK: Ten feet.

MR. KRIEGER: And it's now two feet?

MR. NUGENT: Yes.

MR. KRIEGER: According to that it is.

MR. BABCOCK: Yes, that is correct.

MR. KRIEGER: And for the deck?

MR. BABCOCK: They need 40 feet rear yard.

MR. KRIEGER: And they have 30?

MR. BABCOCK: That is correct.

MR. KRIEGER: When you owned the property, did you put either one or both of these structures up?

MR. ALBANO: I put the shed.

MR. KRIEGER: What about the deck? Was it there when you bought it?

MR. ALBANO: No, I didn't put it up, somebody put it up.

MR. KRIEGER: During the time that you owned it?

MR. ALBANO: Yes, before we owned it.

MR. KRIEGER: I'm not interested in who physically did the work to put up.

MR. ALBANO: Before we moved in, it was put in.

MR. KRIEGER: The deck was before you moved in?

MRS. ALBANO: But we were the owners. Before we moved into the house. My luck, it would have feel through and I would have paid for a deck that wasn't even mine. There was a shed there like you said on the survey.

MR. KRIEGER: There was a shed in the same place?

MRS. ALBANO: Yes, but we moved it to the other side.

MR. ALBANO: We moved it back three feet.

MRS. ALBANO: So it would be covered even more.

MR. KRIEGER: Back from what the front yard?

MR. ALBANO: There was a shed on the survey. When we bought the house, it was torn down. I put up a new one but I pushed it back three feet.

MR. BABCOCK: It was closer to the road and they moved it back.

MR. KRIEGER: It would have been more visible than it is now?

MRS. ALBANO: Right, cause you could see it more from the street.

MR. KANE: I move that we grant the requested variance for Steven and Jane Albano.

MR. LANGANKE: I second it.

ROLL CALL

MR. TORLEY	AYE
MR. LANGANKE	AYE

September 12, 1994

35

MR. KANE AYE
MR. NUGENT AYE

MR. KRIEGER: If I may, let me just put on the record there was no one in the audience who wished to speak on this and no one opposed the application or spoke about it at all.

Prelim.
May 9, 1994
Page 1 of 2

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 21, 1994

APPLICANT: STEVE ALBANO
8 MITCHELL LANE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: APRIL 21, 1994

FOR (BUILDING PERMIT): FOR EXISTING 9FT. X 10FT. SHED

LOCATED AT: 8 MITCHELL LANE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 6, BLOCK: 4, LOT: 5
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET-BACK.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14 A-1-B	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD 10FT.	2FT.	8FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION:

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises..... Steven Albano
Address..... 8 Mitchell Lane Phone..... 562-0305
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the..... side of.....
(N.S.E. or W.)
and..... feet from the intersection of.....
2. Zone or use district in which premises are situated..... R-4 Is property a flood zone? Yes..... No.....

AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
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Name of Owner of Premises Steven Albano
 Address 8 Mitchell Lane Phone 562-0305
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor _____
 Address _____ Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder _____
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
 (N.S.E. or W.)
 and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated R-4 Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 6 Block 4 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building ☒ Addition _____ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other 9x10 Shed EXISTING 9x10 metal Shed
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$50 (to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets or plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.

Ref. #
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

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Pursuant to New York State Building Code and Town Ordinances

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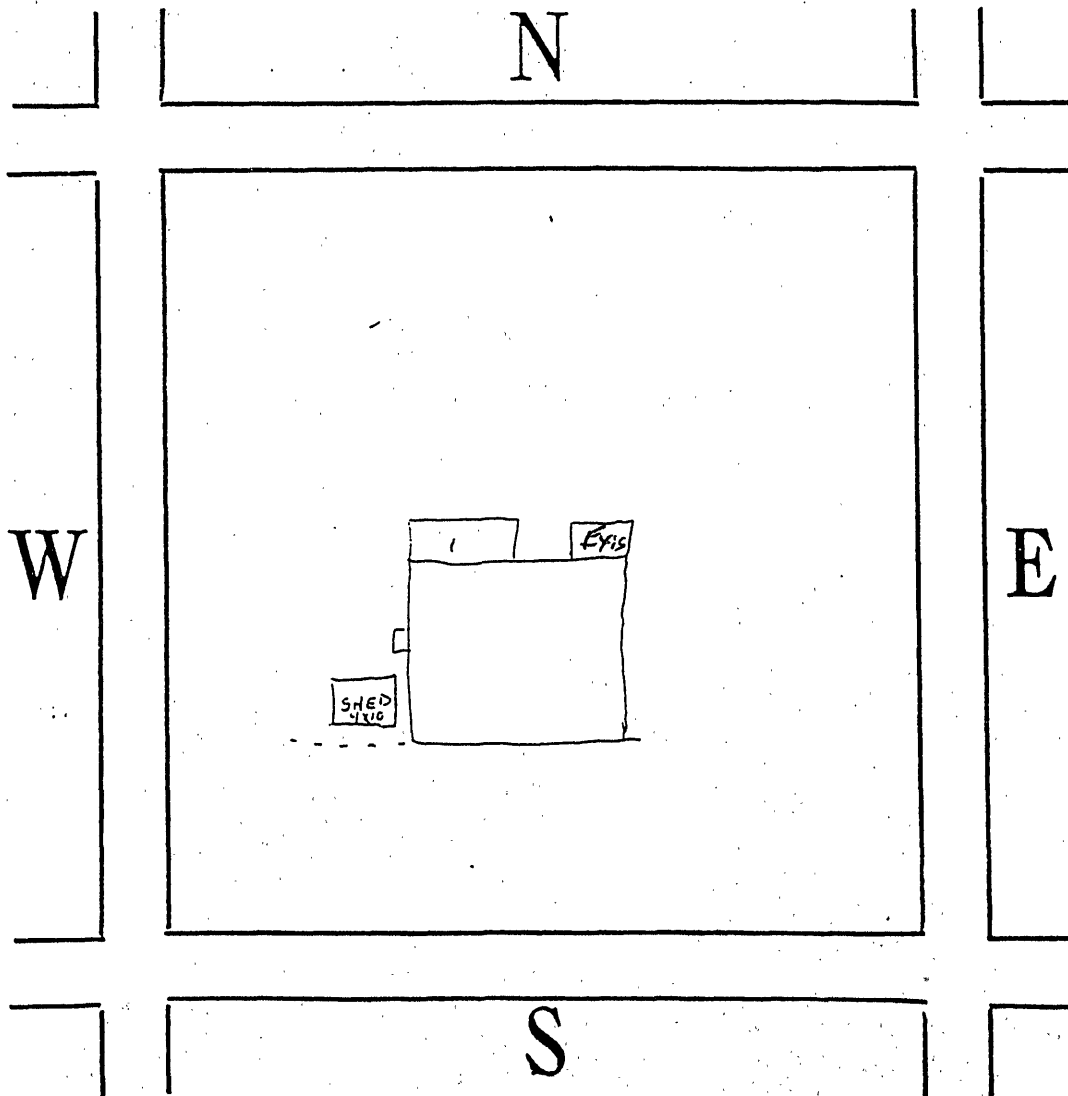
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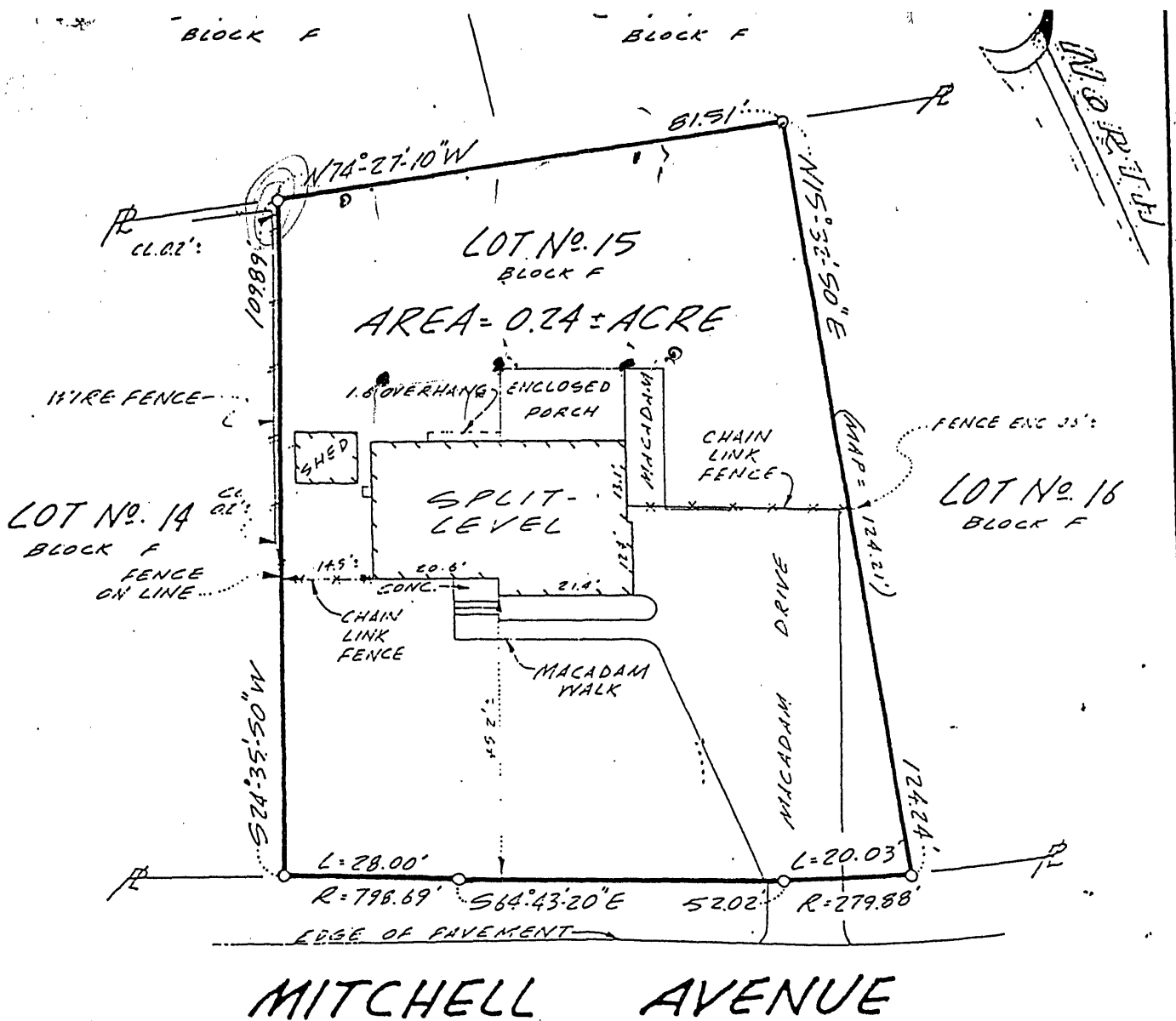
Steve Allen
(Signature of Applicant)

8 Mitchell Lane
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.





MAP OF SURVEY
OF LOT No. 15 - BLOCK F, ON A MAP ENTITLED
"WINDSOR ESTATES"*

TOWN OF NEW WINDSOR
 SCALE: 1" = 20'

ORANGE COUNTY, N.Y.
 OCTOBER 15, 1987

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE
 WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE
 NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

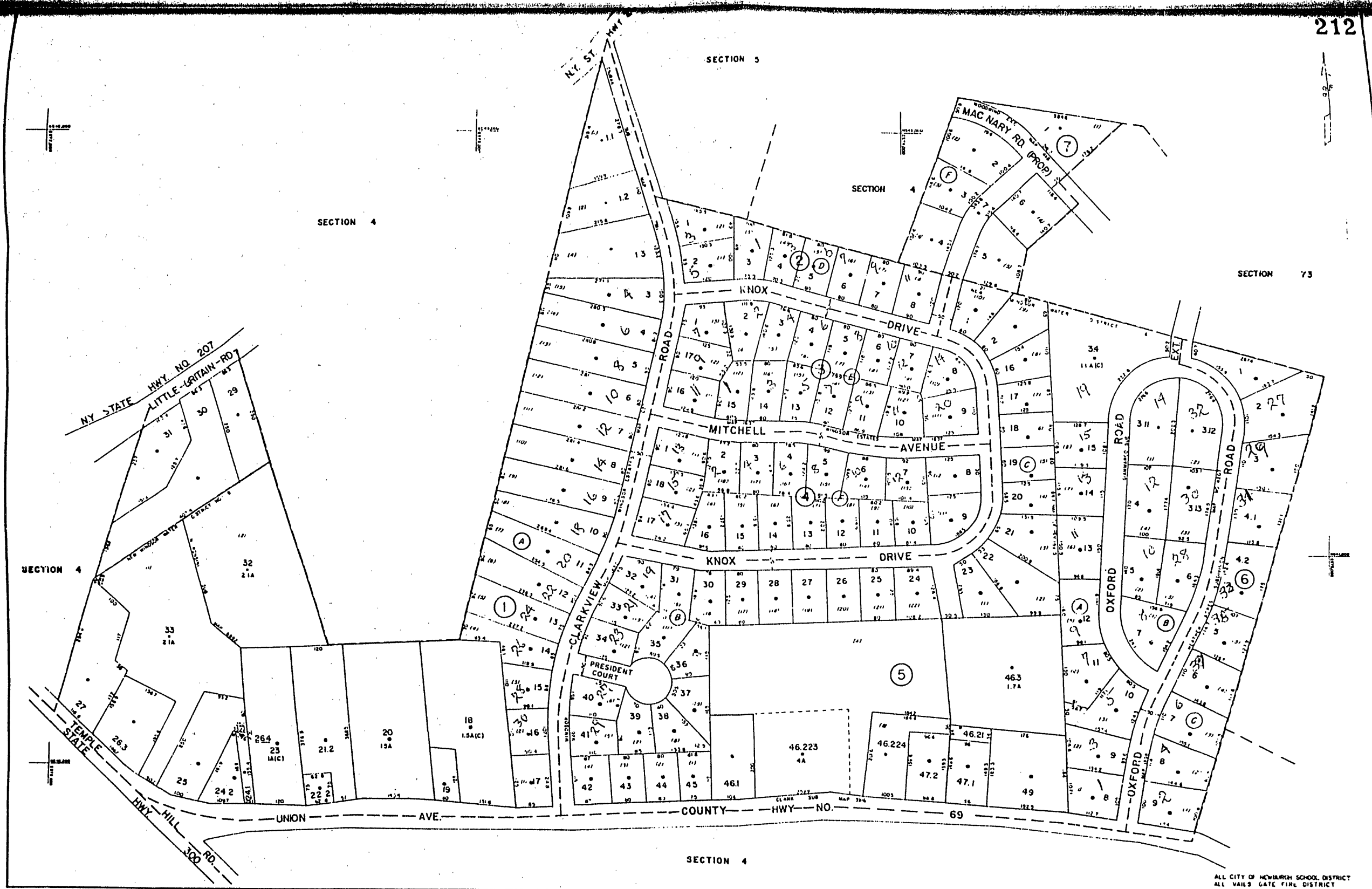
CERTIFIED TO:

* FILED MAP No. 1137	ARCS MORTGAGE, INC.
FILED DECEMBER 15, 1985	COMMONWEALTH LAND TITLE INSURANCE COMPANY
JOB No. 78:024B	HARRY E. & MAJORIE J. WHITE

PETER R. HUSTIS, L.L.S.

33 HENRY STREET, BEACON, NEW YORK • P.O. BOX 3311, NEWBURGH, NEW YORK

Peter R. Hustis
 OCT 15 1987



ALL CITY OF NEWBURGH SCHOOL DISTRICT
ALL VAILS GATE FIRE DISTRICT

Prepared by
AERO SERVICE CORPORATION
A DIVISION OF AERONAUTICS
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	WATER LINE	STATE HIGHWAY	STATE HIGHWAY
SPECIAL DISTRICT LINE	STRAIGHT	COUNTY HIGHWAY	COUNTY HIGHWAY
PROPERTY LINE		TOWN ROAD	TOWN ROAD

ORANGE COUNTY-NEW YORK
Photo No. 15-47, 48 Date of Map 9-24-67
Date of Photo 3-1-62 Date of Revision 3-1-91
Scale 1" = 100'

TOWN OF NEW WINDSOR
Section No. 6

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

94-10

Date: 7/20/94

I. ✓ Applicant Information:

- (a) STEVEN G. ALBANO 8 MITCHELL LANE NEW WINDSOR, N.Y. 12553 917-562-0305
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) TAD SCARMAN - 542 UNION AVE. NEW WINDSOR, N.Y. 12550
(Name, address and phone of attorney)
- (d) JFT HOME IMPROVEMENT
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- () Use Variance () Sign Variance
(X) Area Variance () Interpretation

III. ✓ Property Information:

- (a) R-4 8 MITCHELL LANE 6-4-5
(Zone) (Address) (S) B L (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? MAR 25, 1993
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Yes, Shed

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) ^{N/A} Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) ^{N/A} The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No ☒.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>2 ft.</u>	<u>8 ft. - Shed</u>
Reqd. Rear Yd. <u>40 ft.</u>	<u>30 ft.</u>	<u>10 ft. - Deck</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Reasons for shed: Place for garden tools, bikes etc.
To move the shed would be a financial hardship.
We feel to have the shed anywhere else would be an eyesore.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

N/A
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

4

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$292.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

Date: 7/20/94

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Steven G. Albano
(Applicant)

Sworn to before me this

20th day of July, 1994.

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1995.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 10

Request of Steven Albano

for a VARIANCE of the Zoning Local Law to permit:

existing ~~deck~~^{shed} w/ insufficient side yard, and,
existing ~~shed~~^{deck} w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Reqs. - Cols. F & G.

for property situated as follows:

8 Mitchell Lane, New Windsor, NY

known as tax lot Section 6 Block 4 Lot 5.

SAID HEARING will take place on the 12th day of Sept.,
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Steve & Jane Albano

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#94-10.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On August 11, 1994, I compared the 83 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
11th day of August, 1994.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(83)

August 5, 1994

Mr. Steven G. Albano
8 Mitchell Lane
New Windsor, NY 12553

Re: Tax Map Parcel #6-4-5 Variance List

Dear Mr. Albano:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's office.

Sincerely,

Leslie Cook /pc
Leslie Cook
Sole Assessor

LC/po

Attachments (7)

cc

Pat Barnhart

Brennan, John M.
4 Clarkview Road
New Windsor, NY 12553

Falbo, John P. & Barbara
6 Clarkview Road
New Windsor, NY 12553

Bradley, Robert &
Bruno, Karen &
March, Joan
31 O'Dell Circle
Newburgh, NY 12550

Ostrander, John P. Jr. & Linda
10 Clarkview Road
New Windsor, NY 12553

Lusardi, Albert J. & Margaret
12 Clarkview Road
New Windsor, NY 12553

Jaime, Willard & Mary T.
14 Clarkview Road
New Windsor, NY 12553

Lego, James R. & Frances R.
16 Clarkview Road
New Windsor, NY 12553

Landry, Gerard R. & Laurie A.
18 Clarkview Road
New Windsor, NY 12553

Haarmann, Paul & Marianne
5 Clarkview Road
New Windsor, NY 12553

Passaro, Richard A. & Lori L.
1 Knox Drive
New Windsor, NY 12553

Jarvis, Florinda
31 Faye Ave.
New Windsor, NY 12553

Hennessey, Robert E. & Katherine I
5 Knox Drive
New Windsor, NY 12553

Slenker, Richard E. & Betty R.
7 Knox Drive
New Windsor, NY 12553

Saltzberg, Allan P.
9 Knox Drive
New Windsor, NY 12553

Wenzel, Gary J. & Patricia
11 Knox Dr.
New Windsor, NY 12553

Pierri, Francis M. & Lesley A.
7 Clarkview Rd.
New Windsor, NY 12553

Messer, Arnold W. & Beverly A.
2 Knox Dr.
New Windsor, NY 12553

Campora, Richard J. & Suzanne
4 Knox Dr.
New Windsor, NY 12553

Russio, Vincent & Angelina A.
6 Knox Dr.
New Windsor, NY 12553

Barry, Patrick J. & Patricia
8 Knox Dr.
New Windsor, NY 12553

Rotherbusch, William Martin & Evelyn F.
10 Knox Dr.
New Windsor, NY 12553

Rigolini, John & Maureen
12 Knox Dr.
New Windsor, NY 12553

Bates, Edward & Beverly
14 Knox Dr.
New Windsor, NY 12553

Harris, Donald Earl & Bessie F.
20 Knox Dr.
New Windsor, NY 12553

Gordon, Hillard & Florence B.
11 Mitchell Lane
New Windsor, NY 12553

Merkel, Robert & Patricia
9 Mitchell Lane
New Windsor, NY 12553

Shanahan, Charles R. Jr.
7 Mitchell Lane
New Windsor, NY 12553 X

Dirago, Anthony J. Jr.
5 Mitchell Lane
New Windsor, NY 12553 X

Reilly, Peter M. Sr. &
Spignardo, Patricia &
Reilly, John T. &
Schebesta, Sharon
c/o Alice Reilly
3 Mitchell Lane
New Windsor, NY 12553 X

Kieva, Steven H. & Ellen J.
1 Mitchell Lane
New Windsor, NY 12553 X

Scheiner, Sally & Isaac
11 Clarkview Rd.
New Windsor, NY 12553 X

Kopchak, Kathleen
9 Clarkview Rd.
New Windsor, NY 12553 X

Nouri, Ismail & Cemaliye
13 Clarkview Rd.
New Windsor, NY 12553 X

Oddo, Anthony J. Jr. & Angela
2 Mitchell Ave.
New Windsor, NY 12553 X

Kolesnik, Anatol
4 Mitchell Lane
New Windsor, NY 12553 X

Stapleton, Peter W. & Marion J.
6 Mitchell Lane
New Windsor, NY 12553 X

Hannon, John & Kathleen
10 Mitchell Lane
New Windsor, NY 12553 X

Dubois, George C. & Janet C.
12 Mitchell Ave.
New Windsor, NY 12553 X

Benson, John J. & Claire M.
24 Knox Dr.
New Windsor, NY 12553 X

Wilson, Robert H. & Dorothea B.
28 Knox Dr.
New Windsor, NY 12553 X

Kenna, Richard G. & Anna M.
32 Knox Dr.
New Windsor, NY 12553 X

Verdiglione, Donna M.
37 Whitaker Place
Staten Island, NY 10304 X

Alario, Jeffrey &
Case, Marina
36 Knox Dr.
New Windsor, NY 12553 X

Ferris, John A. & Roberta
46A Monsey Blvd.
Monsey, NY 10952 X

O'Neil, James H. & Francis A.
40 Knox Dr.
New Windsor, NY 12553 X

Brunell, Donna & William E.
42 Knox Dr.
New Windsor, NY 12553 X

Johnson, Dean G. & Laurel
44 Knox Dr.
New Windsor, NY 12553 X

Quill, Jeremiah, P. & Patricia
17 Clarkview Rd.
New Windsor, NY 12553 X

Ferrell, Mark Leroy & Shelia Austin Ferrell
15 Clarkview Rd.
New Windsor, NY 12553 X

Gorglione, Michael E. & Janet
13 Knox Dr.
New Windsor, NY 12553 X

Kelly, Richard & Maureen
506 MacNary Rd.
New Windsor, NY 12553 X

Cook, Fred A. & Jill Brennan-Cook
19 Oxford Rd.
New Windsor, NY 12553 X

Baldwin, Joe & Mary X
13 Oxford Rd.
New Windsor, NY 12553

Trifilo, Luigina T. X
15 Oxford Rd.
New Windsor, NY 12553

Gutcheus, Doloris & Edna M. X
17 Knox Dr.
New Windsor, NY 12553

McErleane, Kevin J. & Beatrice
19 Knox Dr.
New Windsor, NY 12553 X

Paige, Clifford H. & Marianne B.
21 Knox Dr.
New Windsor, NY 12553 X

Hoag, Allen W. & Joanne E.
23 Knox Dr. X
New Windsor, NY 12553

US Department of HUD
26 Federal Plaza - Room 3237 X
Attn: Marie E. Borrero, Prop. Disposition Branch
New York, NY 10278

Weber, Robert & Olive D.
27 Knox Dr.
New Windsor, NY 12553 X

Prisco, John X
29 Knox Dr.
New Windsor, NY 12553

Irving, James H. & Mary X
31 Knox Dr.
New Windsor, NY 12553

Hassdenteufel, Shirley S. X
33 Knox Dr.
New Windsor, NY 12553

Nergelovic, Charles F. & Lucy
35 Knox Dr.
New Windsor, NY 12553 X

Smith, Christine
37 Knox Dr.
New Windsor, NY 12553

Sniffin, Harold W. & Ruth
39 Knox Dr.
New Windsor, NY 12553

Stallone, John & Candolfa
41 Knox Dr.
New Windsor, NY 12553

Rieber, Alfred
43 Knox Dr.
New Windsor, NY 12553

Grainger, Cheryl
45 Knox Dr.
New Windsor, NY 12553

Bailey, Thomas G. & Nancy E.
47 Knox Dr.
New Windsor, NY 12553

Sharp, John E. & Nancy J.
19 Clarkview Rd.
New Windsor, NY 12553

Walker, Herman O. & Marie J.
21 Clarkview Rd.
New Windsor, NY 12553

Maskiell, Diane M. &
Brown, Douglas, J. Jr.
23 Clarkview Rd.
New Windsor, NY 12553

Smith, David E. & Rose S.
1 President Court
New Windsor, NY 12553

Schultz, John Edward & Grace M.
3 President Court
New Windsor, NY 12553

Carroll, Frederick William & Joan A.
5 President Court
New Windsor, NY 12553

Jagger, Robert H. & Mary Ann
1260 Route 52
Walden, NY 12586

Seaman, J. Tad X
542 Union Ave.
New Windsor, NY 12553

Spells, Nathan L. X
340 E. 64th St.
New York, NY 10021

Spells, Rhoda S. X
340 E. 64th St.
New York, NY 10021

Rona Properties Corp. X
654 Madison Ave.
Suite 802
New York, NY 10021

Lujan Homes Builder's Inc. X
236 Route 306
Monsey, NY 10952

MacNary, Robert I. & Muriel X
457 Little Britain Rd.
New Windsor, NY 12553

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

HARRY E. WHITE
MARJORIE J. WHITE

10

STEVEN G. ALBANO
JANE M. ALBANO

SECTION 6 BLOCK 4 LOT 5

RECORD AND RETURN TO:
(Name and Address)

J. Tad Seaman, Esq.
542 Union Avenue
New Windsor, New York
12553

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 53838 DATE 3/24/93 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED X MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deepark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highlands
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor X
TU50 Tuxedo
WL52 Wallkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO.

Mortgage Amount \$

Exempt Yes No

3-6 Cooking Units Yes No

Received Tax on above Mortgage

Basic \$

MIA \$

Spec. Add. \$

TOTAL \$

MARION S. MURPHY
Orange County Clerk

by:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on MAR 26 1993

at 331 O'Clock P. M.

In Liber/Film 3785 deeds

at page 203 and examined.

Marion S. Murphy
County Clerk

CHECK X CASH CHARGE

MORTGAGE TAX \$

TRANSFER TAX \$ 440.00

ED. FUND \$ 5.00

RECORD. FEE \$ 11-

REPORT FORMS \$ 30-

CERT. COPIES \$

Hamdenburgh

RECEIVED
\$ 440.00
REAL ESTATE
MAR 26 1993
TRANSFER TAX
ORANGE COUNTY
mrc

LIBER 3785 PAGE 203

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.J. Tad Seaman, Esq.
542 Union Avenue
New Windsor, New York
12553

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 53838 DATE 3/24/93 AFFIDAVIT FILED 19INSTRUMENT TYPE: DEED X MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20 Blooming Grove
 CH22 Chester
 CO24 Cornwall
 CR26 Crawford
 DP28 Deerpark
 GO30 Goshen
 GR32 Greenville
 HA34 Hamptonburgh
 HI36 Highlands
 MK38 Minisink
 ME40 Monroe
 MY42 Montgomery
 MH44 Mount Hope
 NT46 Newburgh (T)
 NW48 New Windsor X
 TU50 Tuxedo
 WL52 Wallkill
 WK54 Warwick
 WA56 Wawayanda
 WO58 Woodbury
 MN09 Middletown
 NC11 Newburgh
 PJ13 Port Jervis
 9999 Hold

SERIAL NO. Mortgage Amount \$ Exempt Yes No 3-6 Cooking Units Yes No

Received Tax on above Mortgage

Basic \$ MTA \$ Spec. Add. \$ TOTAL \$ MARION S. MURPHY
Orange County Clerkby:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on MAR 26 1993at 331 O'Clock P. M.In Liber/Filin 3785 deedsat page 203 and examined.Marion S. Murphy
County ClerkCHECK X CASH CHARGE MORTGAGE TAX \$ TRANSFER TAX \$ 440.00ED. FUND \$ 5.00RECORD. FEE \$ 11-REPORT FORMS \$ 30-CERT. COPIES \$ Hamdenburgh

RECEIVED
 \$ 440.00
 REAL ESTATE
 MAR 26 1993
 TRANSFER TAX
 ORANGE COUNTY
mrf

LIBER 3785 PAGE 203

ORG 03/26/93 03:31:48 14812 41.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 53838 440.00 *

***** SERIAL NUMBER: 005790 *****

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 24th day of March, nineteen hundred and ninety-three
BETWEEN

HARRY E. WHITE and MARJORIE J. WHITE
8 Mitchell Avenue
New Windsor, New York 12553

party of the first part, and

STEVEN G. ALBANO and JANE M. ALBANO; Husband & Wife
255 Bronx River Road
Yonkers, New York 10704

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, known and designated as Lot 15, Block F on a certain map entitled, "Development Plan for Windsor Estates, Town of New Windsor, County of Orange, New York", made by Arthur W. Eustance, Engineer, dated August 2, 1955 and last revised December 13, 1955 and filed in the Orange County Clerk's Office on December 15, 1955, Map No. 1637.

TOGETHER with an easement over the streets as shown on said map to the nearest public highway.

party of the first part, and

STEVEN G. ALBANO and JANE M. ALBANO; Husband & Wife
255 Bronx River Road
Yonkers, New York 10704

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, known and designated as Lot 15, Block F on a certain map entitled, "Development Plan for Windsor Estates, Town of New Windsor, County of Orange, New York", made by Arthur W. Eustance, Engineer, dated August 2, 1955 and last revised December 13, 1955 and filed in the Orange County Clerk's Office on December 15, 1955, Map No. 1637.

TOGETHER with an easement over the streets as shown on said map to the nearest public highway.

TAX MAP
DESIGNATION

Dist.

Sec.

Blk.

Lot(s):

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

[Signature]

[Signature]
HARRY E. WHITE

[Signature]
MARJORIE J. WHITE

STATE OF NEW YORK, COUNTY OF PUTNAM

SS:

On the 24th day of March 19 93 , before me
personally came

Harry E. White

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

ing instrument, and acknowledged the same.

ROBERT S. KLEIN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 4689386
QUALIFIED IN ORANGE COUNTY
COMMISSION EXPIRES DEC. 31, 1993

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.

that he is the
of

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF DUTCHES

SS:

On the 24th day of March 1993, before me
personally came

Marjorie J. White

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

individual described in a
instrument, and acknowledge
e.

ROBERT S. KLEIN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 4689386
QUALIFIED IN ORANGE COUNTY
COMMISSION EXPIRES DEC. 31, 1993

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

Map 6

SECTION

BLOCK

LOT

4

2

June 13, 1994

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ALBANO, STEVE

MR. NUGENT: Request for 10 ft. rear yard variance for deck and 8 ft. side yard variance for shed, both structures existing at 7 Mitchell Lane in R-4 zone.

Mr. and Mrs. Steve Albano appeared before the board for this proposal.

MR. BABCOCK: This is the second time, Mr. Chairman, we went over the numbers and you should have a survey, as Mr. Albano did, showing the setbacks. The deck there was a question as to why he would need a variance for the deck, if the enclosed porch was already closer to the property line than what the deck was but in the measurements, the deck is 30 feet and the screen porch is 35 so the deck does get it closer because the angle of the rear property line, so what happened was well actually if we give him the 30 foot variance for the deck, it makes everything legal.

MR. NUGENT: Everybody understand that?

MR. KANE: Yes.

MR. ALBANO: What about the shed?

MR. BABCOCK: The shed is another application but that is another item.

MS. BARNHART: There's two sections with that.

MR. BABCOCK: Yeah, there's 2 denials.

MS. BARNHART: One for the shed, one for the deck.

MR. NUGENT: I'm sure we asked you this before you don't want to move the shed, it's permanent?

MR. ALBANO: It would cost us too much to move it and anywhere else would be an eyesore.

MRS. ALBANO: You can't see it from where it is now.

MR. NUGENT: Can't see it?

June 13, 1994

7

MRS. ALBANO: No because there's a fence here, see that and there's trees so you can't see it from the front and on the other side, it's like right there.

MR. NUGENT: Did you hear that?

MR. LANGANKE: Yes. What's your requirement, we don't have the paperwork on that, what are they looking for?

MR. BABCOCK: The deck requirement, the shed.

MR. NUGENT: Eight foot side yard for the shed, ten foot rear yard for the deck.

MR. HOGAN: We have photographs?

MS. BARNHART: No, we don't.

MR. NUGENT: This is only preliminary.

MR. HOGAN: They were here before.

MR. BABCOCK: They came back because there was little discussion on what they need to vary it for.

MR. KANE: Measurement from the enclosed porch to the rear property line.

MR. BABCOCK: That is correct, yeah.

MR. NUGENT: Other questions?

MR. KANE: Not from me.

MR. NUGENT: Dan?

MR. HOGAN: No.

MR. NUGENT: I'll accept a motion.

MR. KANE: I move that we set him up for a public hearing.

MR. LANGANKE: I'll second it.

June 13, 1994

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ROLL CALL

MR. KANE	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

MS. BARNHART: You have all your paperwork?

MRS. ALBANO: Yes, I do, there's some things--

MS. BARNHART: Read everything that is on the list.

MRS. ALBANO: I did, I still don't know.

MS. BARNHART: Fill out your paperwork and bring it back to me. Do everything that is on that.

MRS. ALBANO: Also you said you need copies of the deed, isn't that the same as the title?

MS. BARNHART: No.

MR. NUGENT: We'd like to have both.

MS. BARNHART: We want one of each.

MR. NUGENT: Bring them in so the attorney can look at them and give them back to you.

MRS. ALBANO: Don't you want copies?

MR. KRIEGER: Yeah, if we know what you're making copies of, just bring your closing documents in and I'll tell you when I look at them and give them all back.

MRS. ALBANO: I didn't understand title report. Now, photographs of the site, you want the side of the house?

MR. HOGAN: Several.

MS. BARNHART: Different shots.

June 13, 1994

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MRS. ALBANO: All around?

MS. BARNHART: Yes.

MR. NUGENT: So we can see where you have got everything now in relation to the house.

MR. KRIEGER: And in the background see what the neighborhood is like so it serves two purposes so you take at least one from each view.

MRS. ALBANO: Fill out the paperwork.

MS. BARNHART: Call me give me a call, call me first.

MR. KRIEGER: When I say at least one, you don't get penalized for too many pictures. When you were here last, I gave you one of the handouts about the things that you have to show.

MR. ALBANO: I don't know..

MR. KRIEGER: Does that look familiar? If not, if you would take it and address yourself to those items that are in there, it would make a lot easier cause the board has to, legally, they have to make a finding on those items.

MR. ALBANO: Thank you.

May 9, 1994

2

PRELIMINARY MEETING:

ALBANO, STEVE

MR. NUGENT: Request for 8 ft. side yard variance for existing shed and 8 ft. rear yard variance for existing deck located at 8 Mitchell Lane in an R-4 zone. You can explain what you want to do.

Mr. and Mrs. Steve Albano appeared before the board for this request.

MR. ALBANO: I want to get a permit, I want to know what you got to do to get a permit. This is all new to me.

MR. NUGENT: First thing you need to do is to explain to us what you're doing.

MR. ALBANO: We just moved up.

MR. NUGENT: You just bought this house?

MR. ALBANO: Ten months ago. We had it done while we were living in the city.

MRS. ALBANO: This was not our survey, this was the man before us we seen we had a shed so we replaced it with a new one.

MR. TORLEY: Same place else?

MR. ALBANO: Nope, I didn't know, we moved it over.

MR. TORLEY: Same size?

MRS. ALBANO: I don't know.

MR. TORLEY: How about the deck?

MRS. ALBANO: We put it up, that wasn't there and then we didn't know till the woman came and told us.

MR. ALBANO: So we want to get a permit for it.

MR. NUGENT: How did you find out? Were you refinancing it? How did you find out?

MR. ALBANO: Assessor came to the house and told us.

MR. NUGENT: This is what you're talking about the deck?

MR. ALBANO: We just put a a deck, see I put the decking that was here.

MR. TORLEY: Does your deck go any further back than that one?

MRS. ALBANO: No, it comes right to the house and it might be even a little more back.

MR. TORLEY: Enclosed porches.

MR. NUGENT: Permanently mounted shed?

MR. ALBANO: No, it is not.

MR. NUGENT: Is it possible to move it?

MR. ALBANO: Very easily.

MRS. ALBANO: What's the difference?

MR. NUGENT: Difference is if you keep it ten feet from the back line, you don't need a variance.

MR. TORLEY: We're trying to see if there's a way around getting a variance.

MR. NUGENT: Still going to need it for the deck.

MR. ALBANO: Can't we just put it in the same variance?

MR. TORLEY: Anything about the enclosed porch having been there?

MR. BABCOCK: No, that should have had a variance when it was built too, apparently.

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MR. TORLEY: Do you know when it was built?

MR. ALBANO: No idea.

MR. BABCOCK: '93.

MRS. ALBANO: No, it couldn't have been.

MR. BABCOCK: It was applied for in '93.

MRS. ALBANO: Right becuae when he was selling the house, he had to get it because he had to get it.

MR. TORLEY: He applied for it.

MRS. ALBANO: It was built and never got whatever they got and then when he tried to sell the house--

MR. NUGENT: Don't you think you ought to include the enclosed porch in the application?

MR. BABCOCK: Well, the deck and the enclosed porch goes out the same distance, right?

MR. ALBANO: No, the deck, deck is two feet closer to the house.

MR. BABCOCK: It's two feet smaller?

MR. ALBANO: Yes.

MR. BABCOCK: So, we need to add two foot to the variance, we need the closest point to the property line, whether it's the enclosed porch or the deck.

MR. ALBANO: That is already taken care of.

MR. BABCOCK: If that was legal, you wouldn't need a variance cause you could build out that. If they would have got a variance to build the enclosed porch out to the area you can build your deck out to that same area.

MR. TORLEY: And you wouldn't need to be here at all.

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MRS. ALBANO: We should have built it two feet out.

MR. NUGENT: No, because the enclosed porch was never approved.

MR. BABCOCK: We approved it, we approved it in '93 cause they were refinancing as an existing deck. And apparently, they either showed us something that said it was 40 feet or whatever cause it was an existing. They got a C.O. for the porch.

MR. TORLEY: But your deck is two feet wider?

MR. NUGENT: That can't be, if that deck is two feet less than the other one.

MR. BABCOCK: That is correct but we can only go by what's told to us or what's put in writing.

MR. NUGENT: We don't go out and measure.

MR. TORLEY: We have an enclosed deck that has a C.O. and you're saying that the enclosed deck goes two feet further back than the deck?

MR. BABCOCK: Right, so they need, its simple, the measurement has got to go to the screen porch instead of the deck, it's that simple.

MR. TORLEY: Screen porch already has a C.O.

MR. BABCOCK: That is correct but if it is within the zoning, they need a variance.

MR. TORLEY: So the C.O. becomes invalid?

MR. BABCOCK: No, if they get the variance, it's over with.

MR. TORLEY: I'm trying to see that they don't have to come here spending \$400 doing this.

MR. BABCOCK: They've still got to do it for the shed so what's the difference?

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MR. LANGANKE: Shed is movable?

MR. BABCOCK: Whatever you guys want to do.

MR. TORLEY: If we had a C.O. for the enclosed porch and their deck is two feet narrower than the enclosed porch which has a C.O. do they need a variance for that deck.

MR. KRIEGER: No, not for the deck.

MR. BABCOCK: Andy, C.O. doesn't make it legal. If the C.O. is issued based on not them but the previous owners based on what they stated and it wasn't, the measurements weren't right that C.O. doesn't legalize it.

MR. KRIEGER: That a correct, so it is the, if it's still in violation, then I think you asked before whether the C.O. is valid or not and the answer is no.

MR. TORLEY: You can always correct your error.

MR. KRIEGER: Yes.

MR. KANE: So they'll need a variance that encompasses the deck and enclosed porch, if it does the porch it encompasses the deck.

MRS. ALBANO: We waited a while for him to straighten whatever he had to straighten out with the enclosed porch and then Mr. Seaman said it was, you know, all right.

MR. BABCOCK: Also the back property line is on an angle so we have to be careful, I'm not sure.

MR. ALBANO: It is on an angle.

MR. TORLEY: We're trying to make sure you don't have to do this twice. If you don't have the right measurements, you have to come back but your attorney had authorized you to go to the closing.

MRS. ALBANO: Yeah, because it was taken care of by the

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Town.

MR. KRIEGER: That doesn't make it so.

MR. TORLEY: But it makes it more interesting.

MRS. ALBANO: Makes it like how did you pass it?

MR. NUGENT: We don't measure, you do the measuring, you tell us.

MRS. ALBANO: But the woman that came to my house two weeks ago came out and measured.

MR. BABCOCK: They measured the size of the deck, not how far from the property line, just for the evaluation of the deck or the shed or the porch or whatever it might be.

MR. TORLEY: What you have is a deck that you built in good faith narrower than an existing enclosed porch and there's a shed which you replaced with the one that was there already.

MR. NUGENT: That should be moved. You can move that.

MRS. ALBANO: It's out of the way there.

MR. TORLEY: If they are stuck with getting a variance for the enclosed porch, then it doesn't make any difference for the shed, it's not going to cost you anymore to go for two than for one.

MR. BABCOCK: We need to know what's the closest thing to the property line that is what we need to know.

MRS. BARHNART: Have them measure it and call you with the number.

MR. BABCOCK: Property line goes on an angle so it is possible that the deck is as close even if it is two feet shorter on the far end.

MR. ALBANO: I think so, too.

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MR. TORLEY: My suggestion is to remeasure that, find the closest point.

MR. KANE: Get a measurement from this point to the property line and from the deck to the property line, bring those measurements in.

MRS. BARHNART: Bring them to Mike and that is the one we need the variance for, whichever is closer to the property line.

MR. ALBANO: I can do that, that is no problem.

MR. TORLEY: If you measure 40 feet, give yourself a little extra feet.

MRS. ALBANO: I tried.

MR. NUGENT: What you really need to know is if the fence is on your property. There should be a marking, one here and one here.

MRS. ALBANO: This goes on an angle, doesn't it?

MR. NUGENT: That is correct.

MR. ALBANO: Fence goes on an angle.

MR. NUGENT: Property goes on an angle, according to this survey. Who did this one?

MR. ALBANO: The more you go this way, the further back the property goes.

MR. NUGENT: If you have a problem finding them, you might want to contact the surveyor and ask him if he can show you where the stakes are because he did the survey.

MR. TORLEY: You don't have to have him resurvey it. Give yourself a little bit of slack in the measurements.

MRS. ALBANO: In whose favor, ours?

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MR. TORLEY: If it looks like it's 28 feet to the back so it is 27 1/2 feet, give yourself six inches in case you measured it wrong.

MR. NUGENT: They need to know if that is their line that is the most important.

MR. NUGENT: Make sure that those numbers are correct and when you get them correct, go see Mike and give him the correct numbers and he will set you back up again.

MRS. BARNHART: He will make up a new Notice of Denial.

MR. NUGENT: Postpone the preliminary until they get the information to Mike.

MR. ALBANO: Then we have to come back.

MR. KANE: I make a motion we postpone this Preliminary Hearing, adjourn this Preliminary Hearing.

MR. LANGANKE: Second it.

ROLL CALL

MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE